

From: Timothy R. Butler
To: Microsoft ATR
Date: 11/17/01 8:55pm
Subject: Comments on the United States v. Microsoft Settlement

Dear Sir:

I am writing with a few comments and concerns about the settlement proposal that has recently been established with Microsoft. I am appreciative of the Department of Justice's action to provide this e-mail address for such concerns.

1.) This proposal doesn't seem to attempt to remedy the problem with non-Microsoft middleware accessing files from Microsoft middleware. For instance, it would be advisable to restrict Microsoft from making undocumented changes to the Microsoft Word file format to prevent Microsoft from illegally maintaining a monopoly on word processing software.

2.) This proposal doesn't cover potential problems with .Net, including Microsoft's potential ability to restrict projects (such as Ximian Mono) that attempt compatibility with this format. While the proposed remedy prevents Microsoft from making a protocol that only Microsoft servers can access, it does not seem to prevent Microsoft from making Windows use open protocols to access services that can only be powered by Microsoft products. This is crucial due to the fact that Microsoft's stated goal is to move most computing activities over to .Net infrastructure.

3.) The settlement does not restrict Microsoft from taking anti-competitive action by requiring Original Equipment Manufacturers to pay for Windows even on systems that do not include the Windows operating system. This could be a major hindrance for alternative operating systems such as Linux.

4.) The proposal lacks any preset penalty, other than extension of the proposal, to Microsoft should the terms be violated. Since Microsoft has a track record of ignoring the previous agreement with the U.S. Department of Justice, this could potentially be a problem. In the least, this lack of penalty could cause irreversible harm during the interlude before a new Judgment could be handed down.

5.) Finally, the proposed settlement lacks any retroactive fines or punishment for previous anti-competitive behavior.

Thank-you for your time, I appreciate your consideration of the points considered above.

Warmest Regards,
Timothy R. Butler,
Chairman and CEO,
Universal Networks

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